IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 20394 of 2007(C)

PETITIONER:

PODIKUNJU MUSALIAR MEMORIAL &
CHARITABLE EDUCATIONAL TRUST,
CHANDANATHOPPU P.O., KOLLAM-14
REPRESENTED BY ITS CHAIRMAN.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY
PRINCIPAL SECRETARY,
MINISTRY OF HEALTH AND FAMILY WELFARE,
GOVT. OF KERALA, SECRETARIAT, TRIVANDRUM.

2. KERALA NURSING & MIDWIVES COUNCIL,
RED CROSS ROAD, GENERAL HOSPITAL JUNCTION,
TRIVANDRUM. REPRESENTED BY ITS REGISTRAR.

ADDITIONAL RESPONDENTS:

3. INDIRAMMA.J.S., KALEEKKAL,
NADUVILAMURI, PADANILAM,
NOORANADU, ALAPPUZHA.

4. T.K.SARALA BAI, 89, VISAK, CHEMBAKA NAGAR,
OOTTUKUZHI, THIRUVANANTHAPURAM.

5. KOCHUTHRESSIAMMA THOMAS,
TC 11/801, B5, KRISHNA NAGAR,
PATTOM P.O, TRIVANDRUM.

6. VALSA K.PANICKER,
KARUNYAM SANGEETHA NAGAR,
TRIVANDRUM.

(ADDL.R3 TO R6 IMPLEADED AS PER ORDER IN I.A.
NO.10520/07 DTD.31.7.07)

BY ADV. SRI.N.RAGHURAJ, SC, TCMC & KNMC
SRI.G.SASIDHARAN CHEMPAZHANTHIYIL
SRI.S.VISHNU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 20394/07.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE GOVT. ORDER DTD.21.12.05.

P2. COPY OF THE ORDER OF INDIAN NURSING COUNCIL DTD.5.5.06.

P3. COPY OF THE NOC DTD.7.1.06.

P4. COPY OF THE PERMISSION DTD.15.5.06.

P5. COPY OF THE PERMISSION FROM KNS HOSPITAL, KOTTARAKKARA DTD.30.1.06.

P5A. COPY OF THE PERMISSION DTD.20.11.06.

P6. COPY OF THE PERMISSION ISSUED BY YOGAKSHEMA HOSPITAL, VELIYAM.

P7. COPY OF THE DD DTD.15.3.07.

P8. COPY OF THE LETTER DTD.18.4.07.

P9. COPY OF THE AFFIDAVIT BEFORE THE INSPECTION TEAM.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.20394 of 2007

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Dated this the 24th day of August, 2007

J U D G M E N T

The petitioner is aggrieved by the inaction on the part of the Kerala Nursing and Midwives Council in the matter of considering the petitioner's application for approval under the Nurses & Midwives Council Act. The contention of the 2nd respondent is that they are unable to take further action because of the orders of the Kerala Lok Ayukta interdicting the Council from functioning on account of some dispute raised by additional respondents 3 to 6 in the matter of election to the Council. I am of opinion that the dispute regarding election to the Council between individuals cannot affect the right of the petitioner to get his application considered in accordance with law. In the above circumstances, I direct the 2nd respondent to take appropriate steps on the application for approval filed by the petitioner in accordance with law, notwithstanding any orders passed by the Kerala Lok Ayukta in that regard.

The writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.